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**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Atsushi YAMAGUCHI

Group Art Unit: 2851

Application No.: 10/588,163

Examiner: P. KIM

Filed: August 1, 2006

Docket No.: 128939

For: EXPOSURE APPARATUS, EXPOSURE METHOD, POSITION CONTROL  
METHOD, AND METHOD FOR PRODUCING DEVICE

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the June 27, 2008 Restriction Requirement, Applicant provisionally elects Group I, claims 1-17 and 30-49, with traverse. Applicant submits that claims 46-49, which were added in the August 1, 2006 Preliminary Amendment, and depend from claims 13, 30 and 34, respectively, should be included in Group I.

Further, Applicant submits that the subject matter of all claims 1-49 are sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in

order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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MAC:DRK/sxl

Date: July 24, 2008

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